

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**AMERICAN FAMILY LIFE ASSURANCE
COMPANY OF COLUMBUS,**

PLAINTIFF,

VS.

CIVIL ACTION NO. 4:03CV370-P-B

**GLORIA THOMAS PATE, in her capacity
as the Death Beneficiary of Roy Pate, Deceased
and on behalf of all Death Beneficiaries of
Roy Pate, Deceased.**

DEFENDANT.

FINAL JUDGMENT

Upon approving and adopting the report and recommendation of the U.S. Magistrate Judge that default judgment should be granted to the plaintiff by the undersigned's order of December 12, 2005, the court **ORDERS, ADJUDGES, AND DECLARES** that:

(1) There is no coverage under the subject accidental death policies issued by the plaintiff to the deceased, Mr. Roy Pate, because there is no evidence that an accident independent of the sickness or disease in Mr. Pate's knees directly caused the post-surgical fall which led to his death; therefore,

(2) This case is **CLOSED**.

SO ORDERED this the 12th day of December, A.D., 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE